

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA

PLAINTIFF

VS. CASE NO. 4:05-CV-00329 GKF (PJC)

TYSON FOODS, INC, ET AL

DEFENDANTS

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DEPOSITION OF  
MARVIN CHILDERS

Taken Friday, May 1st, 2009

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A P P E A R A N C E:

ON BEHALF OF THE PLAINTIFF:

ELIZABETH C. WARD, ESQUIRE

MOTLEY-RICE

28 Bridgeside Blvd.

Mt. Pleasant, SC 29464

EXHIBIT

3

1 A Yes. I have looked through them and they are  
2 either minutes from the Board of Director meetings  
3 or from various committee meetings and some included  
4 an agenda.

5 Q Okay. And these are all documents that are  
6 kept in the ordinary course of the Poultry  
7 Federation's business?

8 A Yes, ma'am.

9 Q These are all documents that were produced  
10 pursuant to a subpoena by your counsel to the Motley  
11 Law Firm and the State of Oklahoma.

12 A Yes, ma'am.

13 Q Do these appear to be true and accurate copies  
14 of those minutes?

15 A Yes, ma'am.

16 Q I have seen references to an executive  
17 committee. Is that different than the Board of  
18 Directors?

19 A Yes.

20 Q What is the executive committee of the Poultry  
21 Federation?

22 A The executive committee is made up of the  
23 chairman of the board, the vice chair, the  
24 secretary/treasurer.

25 Q And are those officers on the board elected by

1 the board?

2 A Yes, ma'am.

3 Q Okay. Who makes up the current executive  
4 committee?

5 A Jerry Morry from Cobb Vantruss is the chairman.  
6 The vice chair slot is open. Trent Goins from O.K.  
7 Foods is the treasurer. Todd Simmons from Simmons  
8 Foods is the secretary.

9 Q Why is the vice chair slot open?

10 A John Roberts from Cargill was the vice chair.  
11 And because of his duties at Cargill, he could not  
12 attend the meetings and instead of staying on as  
13 vice chair, he resigned and we did not fill it. We  
14 will fill it in June.

15 Q Did he maintain a position on the board?

16 A No.

17 Q No. Is there a representative from Peterson  
18 Farms, Inc. on the board currently?

19 A Yes.

20 Q Who is that?

21 A Blake Evans.

22 Q Do you know how long Mr. Evans has been on the  
23 board?

24 A I believe he came on in July of 2007 for a  
25 three year term.

1 Q Does the Federation obtain records of how long  
2 individuals or entities have been members?

3 A No. I was told that you would ask that  
4 question. And we do not have -- other than the  
5 minutes that would reflect, you know, who is -- who  
6 would attend the board meeting.

7 Q So, is it fair to assume if there is a  
8 reference to an employee of an integrator in the  
9 minutes that they would have been a member of the  
10 board or the committee that's talking about it?

11 A Would you repeat that?

12 Q If it were fair -- if you were say reading  
13 minutes from '89 and it references this -- I'm  
14 looking at just an example TPF Three where it  
15 mentions Claude Rutherford of Simmons. I can assume  
16 when it says members present, Claude Rutherford of  
17 Simmons was a member of the industry and -- I mean,  
18 a member of the Federation in 1989?

19 A That's correct.

20 Q Okay. Is there a member of the board from  
21 Georgia's, Inc. currently?

22 A Yes.

23 Q Who is that?

24 A Charles George. And I'm confident he came on  
25 in July of 2007.

1 Q Is there a representative from Georgia's Farms,  
2 Inc.?

3 A I don't know who Georgia's Farms, Inc. is.

4 Q Is there a representative on the board from  
5 Calmaine Foods Incorporated?

6 A Yes.

7 Q Who was that?

8 A Steve Storm.

9 Q Do you know when Mr. Storm came on the board?

10 A I believe July of 2008. The current letterhead  
11 from Poultry Federation should identify the board  
12 members. The company -- in name of the company, but  
13 not the year in which they came on.

14 Q Okay. Is there a representative from Calmaine  
15 Farms?

16 A I mean Steve Storm would be with Calmaine and  
17 that's the way I would identify him. I do not know  
18 if Steve works for Calmaine, Calmaine Foods, Inc,  
19 Calmaine Farms, Inc. He is the Calmaine rep.

20 Q Okay. Is there a representative on the board  
21 from Cargill, Inc.?

22 A No.

23 Q Has there been since your time with the  
24 Federation?

25 A Yes.

1 Q And who was that?

2 A John Roberts.

3 Q And that's who we discussed earlier who was the  
4 former vice chairman?

5 A Yes, ma'am.

6 Q Okay. Is there a representative from Cargill  
7 Turkey Production, LLC?

8 A No.

9 Q Is there a representative on the board from  
10 Tyson Foods, Inc.?

11 A Yes.

12 Q Who was that?

13 A Dr. Patrick Covington.

14 Q Is there a representative from Tyson Poultry,  
15 Inc.?

16 A No.

17 Q Is there a representative from Tyson Chicken,  
18 Inc.?

19 A No.

20 Q Is there a representative currently from  
21 Willowbrook Foods, Inc.?

22 A No.

23 Q Has there been since you have been the  
24 president of the Poultry Federation?

25 A Yes. But I'm not for sure unless I look at

1 some minutes. I can tell you who that was. Mike  
2 Briggs possibly.

3 Q Let me see if I can find something that --

4 A Could I look at the minutes from July of 2007  
5 and July of 2008?

6 Q Here is a set from 2007. This may help. Mike  
7 Briggs is a representative Willowbrook?

8 A Yes.

9 Q Has he worked for any other company to your  
10 knowledge?

11 A No.

12 Q Okay. I'm going to show you TPF Three. One in  
13 2004?

14 A Okay. That's Mike Briggs.

15 Q That's Mike Briggs. So he was a -- might be of  
16 the board at least in 2004?

17 A Yes.

18 Q Do you know when Mr. Briggs left the board?

19 A I think when Cargill bought Willowbrook.

20 Q Are there other trade associations in the  
21 poultry industry that are affiliated with the  
22 Poultry Federation?

23 A Would you say that again?

24 Q Are there other trade associations in the  
25 poultry industry that are affiliated with the